

NOTICE OF INTENT TO ACT UPON A REGULATION

NOTICE OF HEARING FOR THE AMENDMENT AND ADOPTION OF REGULATION OF THE COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION

The Nevada Commission on Professional Standards in Education will hold a public hearing at 8:00 AM on **November 18, 2015 to be video-conferenced in the following Locations:**

Department of Education
9890 South Maryland Pkwy
Board Room
Las Vegas, NV 89183

and

Department of Education
700 East Fifth Street
Board Room
Carson City, NV 89701

and

Great Basin College
1500 College Parkway
McMullen Hall, Rm 110
Elko, NV 89801

The purpose of the hearing is to receive comments from all interested persons regarding the amendments/adoptions of regulations that pertain to Chapter 391 of the Nevada Administrative Code (NAC). If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on Professional Standards in Education may proceed immediately to act upon any written submissions.

The time for the hearing is scheduled as follows:

8:00 A.M. NAC 391.425 Business and industry endorsement: Qualifications for receipt and first renewal. (NRS 388.360, 391.019)

NOTE: Possible action to adopt may be taken at this meeting.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need and the purpose of the proposed amendments to NAC 391.425 are based on recommendations from the Nevada Department of Education. Proposed amendments are related to qualifications to obtain and renew and Business and Industry Endorsement.
2. The Subjects and Issues involved in the regulation are those who would be seeking to obtain the Business and Industry Endorsement and recommended changes relating to coursework, training, and/or other requirements to obtain the endorsement
3. There is no economic effect of the regulation on the business that it regulates.
There is no economic effect of the regulation on the public.
There are no immediate or long-term effects on the public.
4. The estimated cost to the Department of Education for enforcement of the proposed regulations is none.
5. There are no federal laws affecting the proposed regulations and there is no duplication or overlap of state or local governmental agencies.
6. The proposed regulation is not required pursuant to federal law.

7. The proposed regulation does not include provisions which are more stringent than a federal regulation that regulates the same activity.
8. The proposed regulation does not establish a new fee. The proposed regulation does not increase the existing licensure fee.

Persons wishing to comment upon the proposed action of the Commission on Professional Standards in Education may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to the Commission Secretary, Nevada Department of Education, 9890 S. Maryland Parkway, Las Vegas, NV 89183. The Department of Education must receive written submissions **on or before November 4, 2015**. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on Professional Standards in Education may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be amended/adopted will be on file at the State Library and Archives, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be amended/adopted will be available at the Nevada Department of Education, 9890 S. Maryland Parkway, Las Vegas, NV 89183, and in all counties at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available at the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653 and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations: Nevada Department of Education, both locations; 17 Nevada County School District Offices; 17 Nevada Public Libraries; Clark County Classroom Teachers Association; Washoe County Teachers Association; Nevada State Education Association, both locations; and Nevada State Library and Archives.

**COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION
PROPOSED REGULATION CHANGES TO NAC 391.425**

NAC 391.425 Business and industry endorsement: Qualifications for receipt and first renewal. ([NRS 388.360](#), [391.019](#))

1. To receive a business and industry endorsement, the applicant must:
 - (a) Have earned a high school diploma or its equivalent;
 - (b) Have been employed for at least 5 years after 16 years of age in a position which relates to the program for which he or she is applying for endorsement; and
 - (c) Hold the appropriate license if one is required by law for employment in an occupation which the person desires to teach.
2. Three of the 5 years of work experience required by paragraph (b) of subsection 1 may be fulfilled by the completion of courses or training in an area of career and technical education which relates to the desired endorsement at the rate of 1 year of full-time employment to:
 - (a) Sixteen semester hours of credit from an accredited or licensed postsecondary institution;
 - (b) Two hundred and fifty hours of training from an accredited or licensed postsecondary institution;
 - (c) Two thousand hours of part-time employment; or
 - (d) One thousand hours of employment which is preplanned. A training agreement between industry and the appropriate sponsor must be on file, supervised and approved by an accredited postsecondary institution or the Department.
3. To fulfill the requirement of 5 years of work experience required by paragraph (b) of subsection 1, a person who wishes to receive a business and industry endorsement must, if the endorsement is for:
 - (a) Agricultural and natural resources science, have industry experience in at least three of the following areas:
 - (1) Agricultural business and marketing;
 - (2) Animal science or veterinary medicine;
 - (3) Forestry;
 - (4) Horticulture;
 - (5) Floriculture;
 - (6) Landscaping; or
 - (7) Agricultural research.
 - ~~(b) Agricultural mechanical engineering technology, have industry experience in each of the following areas:~~
 - ~~(1) Agricultural construction; and~~
 - ~~(2) Agricultural power.~~
 - (c) **Building** ~~Construction~~ **technology**, have at least 2 years of industry experience in carpentry and at least 1 year of industry experience in any of the following areas or a combination of those areas:
 - (1) Electrical;
 - (2) Plumbing; or
 - (3) Masonry.
 - ~~(d) Commercial arts, have industry experience in at least two of the following areas:~~
 - ~~(1) Advertising design;~~
 - ~~(2) Digital or graphic arts; or~~
 - ~~(3) Photography.~~
4. In addition to the requirements set forth in subsection 1, a person who wishes to receive a business and industry endorsement must:
 - (a) If the endorsement is for automotive service technology, be certified by the National Institute for Automotive Service Excellence as:
 - (1) A master automobile technician; or

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(2) An automobile technician in the following areas:

- (I) Brakes;
- (II) Electrical and electronic systems;
- (III) ~~Engine performance~~ *light maintenance and light repair*; and
- (IV) Suspension and steering.

(b) If the endorsement is for military science, be certified by the secretary of the military branch in which the applicant serves or from which the applicant has retired to teach pupils in the Junior Reserve Officers' Training Corps program developed pursuant to 10 U.S.C. § 2031. A person who meets the requirements of this paragraph and who teaches pupils in the Junior Reserve Officers' Training Corps program is exempt from the:

- (1) Provisions of subsection 5;
- (2) Provisions of subparagraph (3) of paragraph (a) of subsection 1 of [NAC 391.030](#); and
- (3) Provisions of [NAC 391.036](#).

5. Except as otherwise provided in paragraph (b) of subsection 4 and subsections 6 and 7, a person who desires to renew for the first time an endorsement issued pursuant to this section must provide proof that he or she has received, from an accredited postsecondary institution, credit for 12 semester hours as follows:

(a) Three semester hours in ~~professional~~ career and technical education *curriculum and instruction courses*;

(b) Three semester hours in a course involving career and technical education teaching methodology;

(c) Three semester hours in a course on ~~applied~~ *career development and* ~~or~~ work-based learning; and

(d) Three semester hours in a course on ~~pupil~~ *career and technical student* organization ~~and~~ management ~~in career and technical education~~.

→ At least 3 semester hours of the required 12 must be earned during the first year the person was licensed.

6. A person who desires to renew for the first time a business and industry endorsement for ethnic music issued pursuant to this section is exempt from the requirements of subsection 5 if the person provides proof that he or she has received, from an accredited postsecondary institution, credit for 12 semester hours as follows:

(a) Three semester hours of course work that includes classroom management or music methodology, or both; and

(b) Nine semester hours in the subject area of music.

→ At least 3 semester hours of the required 12 must be earned during the first year the person was licensed.

7. A person who desires to renew for the first time a business and industry endorsement for ethnic dance issued pursuant to this section is exempt from the requirements of subsection 5 if the person provides proof that he or she has received, from an accredited postsecondary institution, credit for 12 semester hours as follows:

(a) Three semester hours of course work that includes classroom management or dance methodology, or both; and

(b) Nine semester hours in the subject area of dance.

→ At least 3 semester hours of the required 12 must be earned during the first year the person was licensed.

(Added to NAC by Bd. for Vocational Education, eff. 10-26-83; A by Comm'n on Prof. Standards in Education, 9-1-89; R075-00, 6-20-2000; R023-01, 10-22-2001; R055-03, 10-21-2003; R026-07, 10-31-2007; R018-09, 10-27-2009)

BRIAN SANDOVAL
Governor

STEVE CANAVERO, Ph.D.
Interim Superintendent
of Public Instruction

STATE OF NEVADA



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**SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608**

Date: 10/16/2015

RE: Proposed Adoption of Regulations Revising NAC 391.425 Business and industry endorsement: Qualifications for receipt and first renewal. ([NRS 388.360](#), [391.019](#)) (Added to NAC by Bd. for Vocational Education, eff. 10-26-83; A by Comm'n on Prof. Standards in Education, 9-1-89; R075-00, 6-20-2000; R023-01, 10-22-2001; R055-03, 10-21-2003; R026-07, 10-31-2007; R018-09, 10-27-2009)

I, Steve Canavero, Ph.D., being duly appointed Interim Superintendent of Public Instruction, do hereby certify that, to the best of my knowledge or belief:

1. The proposed changes to the regulation NAC 391.425 are not likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation or expansion of a small business.
2. A concerted effort was made to determine any economic burden. The Department of Education has relied on the expert knowledge of Department staff and the Attorney General's Office the impact is solely on school districts and the Department of Education.
3. All relevant materials were reviewed and the Department considered its history with implementing similar regulations; the proposed changes are within the historic scope of the Department's activities and present no new cost of enforcement.
4. Comment has not been solicited from small business, and no summary of their response is provided, because small businesses are not impacted by this regulation and thus no burden or economic impact can be assessed.

I hereby further certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Steve Canavero".

Steve Canavero, Ph.D.
Interim Superintendent of Public Instruction

This page to be distributed at hearing for member's information only

The workshop for [NAC 391.425](#) was held on May 13, 2015.

Director Mike Raponi shared the programs were redesigned three and one half years ago for agricultural and engineering technology in three strands i.e. fabrication, power systems, and construction. They later realized it was not the best move for the programs. They later reconsolidated those standards into what is now called "agricultural mechanical technology" which was recently approved by the State Board. President Burnham asked if there was any knowledge of the proposed changes were controversial in any way. There was no response from Commissioners or the public. Director Raponi added when speaking to stakeholders in the field and districts there has been requests for alignment in program and endorsement names.

Motion: Commissioner Wilson made a motion to moved proposed language for NAC 391.425 to public hearing. Motion was seconded by Commissioner Maruyama. Motion carried unanimously.